

**MINUTES OF THE REGULAR MEETING OF THE GRANTSVILLE CITY COUNCIL, HELD ON AUGUST 21, 2013 AT THE GRANTSVILLE CITY HALL, 429 EAST MAIN STREET, GRANTSVILLE, UTAH. THE MEETING BEGAN AT 7:00 P.M.**

**CALL TO ORDER AND PLEDGE OF ALLEGIANCE.**

**Mayor and Council Members Present:** Mayor Brent Marshall and Council Members Mike Johnson, Mike Colson, Scott Stice, and Neil Critchlow. Councilman Tom Tripp participated in the meeting by telephone.

**Appointed Officers and Employees Present:** Chief Turner, Joel Linares, Joel Kertamus, Shauna Kertamus and Christine Webb.

**Citizens and Guests Present:** Chris Drent, Dawnee Johnson, Jennifer Fawson, Christopher Fawson, Rick Hendricks, Kent Liddiard, Jeannine Hendricks, Todd Castagno, George Ann Erickson, Dale Erickson, Colleen Brunson, Gerald Hill, Lisa Christensen, Guy Stewart, Neil Johnson, Lana McKean and Laura Bullock-Hill.

Mayor Marshall asked Chief Turner to lead the audience in the Pledge of Allegiance.

**AGENDA:**

**1. Public Hearing:**

- a. Proposed General Plan amendment for Chris Drent at approximately 151 West Vegas Street to go from a Rural Residential – 2 designation (allowing 1 unit per 5 acres to 1 unit per 10 acres) to a Rural Residential – 1 designation (allowing residential densities of 1 unit per 1 acre to 1 unit per 10 acres) for the purpose of a single family lot subdivision.

Mayor Marshall opened the public hearing for comments. Mayor Marshall stated the City had received two emails to be added to the record. Both emails had positive comments. Marie Schultz spoke in support of the development. She explained she owns the property to the west of the proposed subdivision. Ms. Schulz commented she thinks it is a fantastic opportunity to develop the property. She said it would be very beneficial to her. Jeannine Hendricks spoke in support of the development. She reported she owns the property just east of the proposed development. She said she believes the development will benefit the City not only by generating tax money but will also be beautiful as it is supposed to be similar to Palamino. She feels this will be an asset to the City. Guy Stewart spoke regarding the development. He owns ten acres in the area and would like to see it developed so he could build down there. Mr. Stewart explained there are several people who would like to build but cannot afford to do it alone. He stated if the proposed subdivision is like Palomino, he does not see how it could go wrong. Dale Erickson commented that he is in favor of the development. He stated people talk about keeping Grantsville a rural area and talk about spreading Grantsville from the inside out. He feels it would be beneficial to start from the outside otherwise you will have a densely populated city. He believes it would help spread Grantsville out. Mr. Erickson explained he built a house down on north Hale Street and he knows how much it costs to run the utilities down there and that it is

too expensive for individuals to do on their own. Marie Schultz's brother spoke in favor of the development. He is involved with their minor subdivision, Pioneer Rose Ranch. They have been looking for an opportunity like this to help them develop it. No other comments were offered and the Mayor closed the public hearing.

- b. Proposed P.U.D. and related site plan for Jennifer Fawson at 222 West Main Street to construct a daycare called "Kidsville Early Learning Center".

Mayor Marshall opened the public hearing for comments. No comments were offered and the Mayor closed the public hearing.

- c. Proposed concept plan / P.U.D. for MJC Holdings LLC on 46 lots on 35.87 acres named Heritage Grove P.U.D. located East of South Willow Estates. Under the P.U.D. application waivers include allowing the creation of lots less than half an acre in size for many lots and locating storm water retention basin off site on adjoining property.

Mayor Marshall opened the public hearing for comments. Gerald Hill stated he has no problem with this proposal but would like to see them stay with the good standards of the area. Lana McKean commented she sits on the board at South Willow and is concerned about the access of the roads. She asked if the new area will be going down Worthington because we don't need the extra traffic on our streets. She stated we have gone to great lengths to keep and maintain the neighborhood in the condition it is in. Mayor Marshall commented he did not understand what Ms. McKean meant by them going down Worthington Street. Ms. McKean asked if they are going to bring another road or access or is the traffic going to go strictly down Shelley. Mayor Marshall stated their drawing shows Shelley and Mustang Drive but they had discussed a hard surfaced road until they develop the additional phases to Nygreen. Ms. McKean pointed out those two roads are in the subdivision and expressed concern of the impact on the parks and the added traffic down the smaller streets in the subdivision. She expressed concerns for the children. And bus service to the schools will potentially cause problems. Dave Teggin requested the City Council and the Mayor think about the amount of the traffic (construction and neighbor traffic) that will be going down Shelley Lane which is a pretty narrow street for the area and the fact there is no common areas in the proposed development. The emails received will be added as part of the record. No further comments were offered and the Mayor closed the public hearing.

## **2. Summary Action Items:**

- a. Approval of Minutes from the August 7, 2013 City Council Meeting.
- b. Approval of Bills in the sum of \$154,220.14.
- c. Personnel Matters (none).

**Motion:** Councilman Stice made a motion to approve the summary action items. The motion was seconded by Councilman Critchlow. All voted in favor and the motion carried.

## **3. Consideration of canvass of primary election results.**

Mayor Marshall commented the tally was received from the County on the primary election.

**Motion:** Councilman Johnson made a motion to approve the canvas of primary election results. Councilman Colson seconded the motion. All voted in favor and the motion carried.

#### **4. Presentation of Fire Department – Fire Fighter I Certificates.**

Mayor Marshall welcomed the Fire Department and expressed appreciation for their efforts. Chief Anderson addressed the City Council. He offered names of those who completed the schooling and were presented them to become Grantsville Volunteer Firefighters. The following fire fighters were awarded with Fire Fighter I certification: Kyle Olsen, Sam Maddington, Nathan Johnson, Dustin Sienna and Richard Kiehl. They were asked to stand. Three were present and two were working. Chief Anderson stated they are going to be a good addition to the department. Mayor Marshall welcomed them and stated we know the testing is intense. We appreciate your willingness and efforts to protect our community. Councilman Critchlow read a statement from Stephanie Simonds who works with dispatch with Tooele County. She wrote: I cannot even begin to tell you how incredibly thankful that not just I am, but a multitude of individuals are for all the support, generosity, time and effort just to name a few for everything your departments helped with for the Patch Springs fire. I will not speak for my father however he has voiced multiple times how extremely appreciative and amazed he was by the support and compassion that was given by you. Again, incredibly thankful for you all. You are all heroes and angels.

#### **5. Consideration of issuing a business license for Breeders N Feeders, LLC.**

Mayor Marshall stated the business license was presented for the City Council's approval. Councilman Johnson stated he would be abstaining from the conversation. Jeramiah Tangreen was present to address the council. He is the owner and would like the opportunity to start a business here. Mayor Marshall clarified Mr. Tangreen will be breeding mice, rats and a specialty roach as pet food for reptiles. City Attorney Linares explained anything applied for that is outside our Code is not admitted. So when this business license was applied for we had no choice but to not approve it. It was essentially a denial by default which is why it was presented to the City Council. Mayor Marshall asked if Mr. Tangreen planned to sell locally or be a commercial supplier. Mr. Tangreen stated he will be a commercial supplier to pet stores in the Wasatch Front. Mayor Marshall commented he was surprised at the length of time it takes to grow some of the bugs.

Councilman Stice stated he liked the presentation. He read through it and thought it was very thorough. He asked what kind of precautions would be taken to prevent the escape of the product. Mr. Tangreen stated he put extensive research into the right kinds of cages and containments and for the most part it is just putting in the extra effort and money into the secure cages. Councilman Tripp said he was impressed with the presentation. Councilman Critchlow inquired about the possibility of the smell. Mr. Tangreen explained the smell becomes a problem if they are neglected. Everything will be available that will be needed. The environment must be sealed to keep the temperature controlled. Councilman Stice asked if the code would need to be updated. Attorney Linares answered it will not, this could be approved without adopting new code. Mr. Tangreen explained the cockroaches are from South America and if they were to escape, they would not survive our climate.

**Motion:** Councilman Stice made a motion to approve the business license for Breeders N Feeders LLC. Councilman Tripp seconded the motion.

Councilman Colson requested a six month check with the building inspector to inspect the business.

All voted in favor with Councilman Johnson abstaining and the motion carried.

**6. Declaration of surplus property and method of disposition.**

The Police Department listed an All Trade air compressor and a Lincoln sp-125 wire feed welder to be declared surplus property. Chief Turner explained this was stolen property and the insurance company reimbursed the victim thus making them owner of the property. The insurance company was located in California and did not wish to collect the property so they donated it to the Police Department. Councilman Stice asked what the method of disposal would be. Chief Turner answered he would get three bids from pawn shops or sell it on KSL.

**Motion:** Councilman Colson made a motion to declare an All Trade air compressor and a Lincoln sp-125 wire feed welder as surplus property and to allow Chief Turner to determine the best method for disposal. The motion was seconded by Councilman Johnson. All voted in favor and the motion carried.

**7. Consideration of City Recorder's Notice of Certification of Annexation Petition filed by Leo Johnson and authorization to provide legal notice of annexation.**

Neil Johnson addressed the Council. The location of the property was discussed. Mr. Johnson presented a map for the Council to look at. Councilman Stice examined the map.

**Motion:** Councilman Johnson made a motion to accept the City Recorder's Notice of Certification of Annexation Petition filed by Leo Johnson and authorization to provide legal notice of annexation. Councilman Stice seconded the motion. All voted in favor and the motion carried.

**8. Consideration of a General Plan amendment for Chris Drent at approximately 151 West Vegas Street to go from a Rural Residential – 2 designation (allowing 1 unit per 5 acres to 1 unit per 10 acres) to a Rural Residential – 1 designation (allowing residential densities of 1 unit per 1 acre to 1 unit per 10 acres) for the purpose of a single family lot subdivision.**

Chris Drent stated they were looking to amend the General Plan from the Rural Residential – 2 to a Rural Residential - 1. They plan to have their lots on average 1.6 acres. He pointed out some one acre lots, one and a half acre and some over two acre lots. They are hoping to attract horse owners. Mr. Drent explained without irrigation water it is kind of tough to do the larger (5 acres) lots. He commented with the one and a half acre lots could be irrigated with the culinary water. The plan is to mimic the Palomino Estates. He said the same general plan and zoning is similar to Palomino Estates. They did some development in Lehi and the prices have become astronomical. He said many are subdividing and selling their land and will be looking for somewhere to locate. He would like to see them come to Grantsville. The one acre lots are developed to be 160 ft wide and 270 ft deep. The front yard will be required to be landscaped and the homes will be required to have a masonry exterior. Mr. Drent stated the big cost is the infrastructure. They are planning to hook into the sewer from Vegas and Hale, power will come from that side as well, and gas and water can come up from Hale or Cooley from Clark depending on where they can get the right of way. A lot will need to be brought in to make it work. Mr. Drent stated they

dropped off pamphlets and flyers to those nearby and have had good support. He said they are willing to do a development in agreement with the City and he thinks it's a good fit with Grantsville. He stressed they are looking to keep the area rural.

Mayor Marshall clarified this is not a zoning change; it is a General Plan amendment. There are a lot of things that need to take place prior to developing this area. Mayor Marshall explained the right of way will need to be accessed. Mr. Drent said they are looking for a starting point to make this work.

Councilman Critchlow went through his notes from Planning and Zoning. He explained there was a lot of concern about the road. It would need to be 66 feet wide for Hale Street. Mr. Drent asked if they could do half until someone develops the other side of the street and they can do the other half. Planning and Zoning recommended they get irrigation water. Councilman Critchlow said Mr. Taylor from the Grantsville Irrigation Company says it is available it is just expensive and you don't want to have to pay for it. Mr. Drent said it is not just a little cost it would be extraordinary and the right of way issues would come through. He stated if it came down to it, they would be willing to put in dry irrigation lines but after talking to Mr. Taylor, it would take a lot. Councilman Johnson commented the irrigation line is run to other properties in the area. He cited Janet Cook's and Justin Linares' property. The line goes from Cooley Street to Linares'. Mr. Drent stated the pressure would not be supported on that line at that distance. The line would have to be run from the reservoir.

Councilman Critchlow commented those in favor of this are because they are hoping to develop their property and build more houses. He asked Mr. Drent where the existing neighbors will access the area. Mr. Drent explained some of those in support are because they want to build a home on the land but cannot due to the high cost to run the infrastructure. He stated direct access is still limited. They are willing to work with neighbors to provide access to utilities. He said it will not be a big deal to tee off and stub in for owners they pass by. Councilman Johnson asked if Mr. Drent is looking to have the neighbors participate in the costs. Mr. Drent said it depends on the location of the property. Councilman Critchlow stated with the access from Vegas Street they will be limited to using Burmester Road. He stated the Russian olive trees have grown over the roads in the area. Mr. Drent explained they like the fact Grantsville is close to the Salt Lake Valley but still have the small town appeal. They are willing to do a development agreement with the City.

Councilman Johnson asked if the light manufacturing is all on the east side of Burmester. Mayor Marshall said it is on both sides of Burmester. Councilman Johnson asked how close it comes to north Hale. Councilman Colson pointed out it comes right to the border. Mr. Drent said the north side of their boundary is the City boundary and the manufacturing is an odd little piece. Mayor Marshall explained the area has been enlarged. It went up both sides of the road up to Koester Lane. Shauna Kertamus stated the map Mr. Drent had was current but they were requesting a General Plan amendment, not a zoning change. Attorney Linares explained the Planning and Zoning Commission made a motion to deny the request. Three voted in favor of the motion to deny and two voted against the motion. Councilman Johnson stated his concern about the development is the water. Mr. Drent stated all new lines would have to be run to provide the right pressure for the irrigation. Councilman Critchlow asked what the size of the line going down Cooley. Councilman Johnson said there isn't really a line going down Cooley; the line comes across Janet Cook's property. Joel Kertamus, Grantsville Public Works Director, stated there is a ten (10) inch line from Durfee down to Palomino Ranch's first entrance and then an eight (8) inch in the subdivision. Councilman Johnson asked what the City's ordinances state regarding a lot that size trying to water with culinary water. Shauna explained they would have to pay for two (2) shares of

culinary water. Mr. Drent stated if there is an opportunity to get irrigation water there, they are fine to do it. It is just very cost prohibitive and did not look like something that could happen when they met with Mr. Taylor.

Councilman Colson stated water is a concern of his but another concern he had is the access in and out of the subdivision. He asked about the paving of Hale Street. Mr. Drent said they will be able to pave all the way up Hale along Mrs. Hendricks property because the City has a right of way. They have about half a mile to pave up Hale. Councilman Colson asked about access from the north of the subdivision. Mr. Drent said they will have to acquire water from Clark Street and they do not have the access at this time. He stated they are fine paving half of the road with access. Shauna stated the road has to be improved completely. There are still a lot of things they need to look at for the development.

It was discussed the amendment can require certain stipulations prior to approval. Then if it is not completed, then the plan is not changed. The rights of ways are a problem. Councilman Johnson explained the history of the area. He has reservations especially with the water. He stated that he would like to hold off until the water situation is settled. Councilman Critchlow asked about fire protection. Councilman Colson asked about the north of the area as the five (5) – ten (10) acre lots. We have lost those sized lots on the south. Councilman Stice explained the General Plan is for projected grow and if the General Plan is for bigger lots, the only way we can get it to smaller lots is to have the infrastructure in place. Councilman Stice said he is not ready to change the General Plan until we have those in place. Mr. Drent asked how they expect to see that happen unless someone like himself brings it in. The secondary water and the cost were discussed. Mayor Marshall suggested they look in underground water rights and wells. Mayor Marshall expressed concern about the water needed to provide fire protection with people using water for horse property. Councilman Critchlow stated he doesn't have a problem with the change as long as it is contingent with the Plan.

**Motion:** Councilman Tripp made a motion to table this for one month to allow time for research. Councilman Stice seconded the motion. All voted in favor and the motion carried.

**9. Consideration of a P.U.D. and related site plan for Jennifer Fawson at 222 West Main Street to construct a daycare called “Kiddsville Early Learning Center”.**

Jennifer Fawson addressed the Council. She presented a new lot for her daycare. She stated there is a huge demand for licensed childcare in Grantsville and is looking to expand. At this time Ms. Fawson has a capacity of sixteen (16) children. Councilman Stice asked how many children she is looking to take in. Ms. Fawson said she would like to increase to 124. She plans to provide care for children infant through ten (10) – eleven (11) years old.

**Motion:** Councilman Critchlow made a motion to approve the P.U.D. for Jennifer Fawson at 222 West Main to construct a daycare called “Kiddsville Early Learning Center”. Councilman Johnson seconded the motion. All voted in favor and the motion carried.

Councilman Colson stated he worked with the Fawsons on the previous project but does not feel he has a conflict.

**10. Consideration of concept plan / P.U.D. for MJC Holdings LLC on 46 lots on 35.87 acres named Heritage Grove P.U.D. located East of South Willow Estates. Under the P.U.D. application waivers include allowing the creation of lots less than half an acre in size for many lots and locating storm water retention basin off site on adjoining property.**

Todd Castagno was present as acting agent for MJC Holdings to address the Council. He presented the concept plan. He explained the plan has changed over time. The current owner has changed. He said with it being an R-1-21 zone they are submitting it as a P.U.D. There are two minor concessions they are asking for. The first was there are some lots that are just slightly less than half an acre. The smallest lot is 0.467 but the lots are as large as 1.168 acres. He reported at the current zoning they could fit up to seventy two (72) lots into the area but plan to have forty six (46) lots. He said they are planning to continue the horse trail to the side of the development. Phase 1-A was the church site with Shelley Lane being extended. He said the first phase will be Phase 1-B and Phase 2 will fill in the middle. The owner of this property also owns 200 acres to the east and is partnering with someone else who owns another 200 acres to the east. He stated parks are required in later phases of the development. All of South Willow Estates was zoned as a minimum of one (1) acre lot but because they came in with a P.U.D. asking for third (1/3) acre lots up to one (1) acre lots and as a trade off they were required to put in parks and open space. Mr. Castagno addressed the comments he had received and stated he knew the City received comments as well. He said he understands those concerns but thinks they are possibly short term concerns because as the development progresses over time the traffic will be through Heritage Grove.

Mayor Marshall explained this is just a concept and is just the first step of many. He stated there are two sewer projects that will need to be completed prior to the development. Mr. Castagno said the plan is to develop a substantial park with a tot lot on the 400 acres. He stated as they looked at this they could design and build this project to code without getting a P.U.D. He explained this project was approved in 1997, it was never recorded. It was approved once before and nothing has been changed since final of the original. Mayor Marshall asked if they would be willing to install a hard surfaced road as an access for emergency vehicles, construction equipment, etc. and provide an additional exit. Councilman Johnson asked if Shelley Lane is narrower. Shauna said it is. She explained we did not have a road minimum right of way in place at the beginning of the development. The Council discussed that Shelley Lane is probably the narrowest road in the subdivision. Mayor Marshall stated by installing a hard surface road it would provide an entrance or egress for construction equipment. He said the retention basin as a temporary solution is not an issue. Councilman Tripp expressed his concerns. One concern was the off-site retention basin becoming a weed patch and fire hazard. He felt there should be more common areas and the horse trails in South Willow are handled by the home owners association and is concerned those will become an issue for the City. Councilman Tripp inquired about the lighting in the subdivision. Mr. Castagno stated that would be addressed during the engineering part of the project and they will have a home owners association with CC&Rs and the HOA will take care of the horse trails and parks. Councilman Stice expressed concerns about the completion of parks. Mr. Castagno stated current guidance does not require developers to have a park to be compliant with City Code to develop the property. The waivers are not preventing the development.

**Motion:** Councilman Tripp made a motion to decline the P.U.D. No second was made and the motion was denied.

Councilman Colson asked if Planning and Zoning had required a traffic study for the subdivision. Mr. Castagno reported someone came to the Planning and Zoning public hearing and asked to have a traffic study done on a Sunday. He talked with two traffic engineers who have never in their careers done a traffic study on Sunday. Councilman Colson asked as Shelley Lane extends will it at some point connect with a highway. Mr. Castagno said it will probably turn go down to Nygreen or Worthington will extend up. Nygreen and Worthington are both collector streets (90 feet). Councilman Stice asked about the retention basin.

**Motion:** Councilman Tripp made a motion to table until further information can be obtained. Councilman Stice seconded the motion. Councilmen Stice, Tripp and Colson voted in favor of the motion. Councilmen Johnson and Critchlow voted against the motion. The motion carried.

Mr. Castagno asked what kind of information they are looking for. These things would be addressed during the engineering phase of the development. Mr. Castagno was asked to come back with an option for the location of the hard surface road, the retention basin, open spaces and the South Willow Estates HOA concerns.

## **11. Consideration of Municipal Wastewater Planning Program.**

The Municipal Wastewater Planning Program is a requirement from the State. Joel Kertamus stated it is a self assessment report of the condition of the collection system and trained operators. It has to be approved by resolution. This is a housekeeping issue.

**Motion:** Councilman Johnson made a motion to approve the Municipal Wastewater Planning Program. The motion was seconded by Councilman Colson. All voted in favor and the motion carried.

## **12. Mayor and Council Reports.**

Mayor Marshall reported the Hunsaker well is up and running. He worked with the Red Cross setting up an evacuation center for residents of Terra. He met with Ace about our recycling program. For the month of July we were just short of recycling twenty five (25) tons of material. The Mountain Vista Park will be seeded next week. The Mayor attended Tom Hammond's retirement party. He attended the Truth in Taxation Meeting with the County Commission. We have completed the EMS certification. He asked which Councilmen were planning to attend the fall training of the Utah League of Cities and Towns. The equipment for USU has been delivered and will be installed next week.

Councilman Stice will not attend the Utah League of Cities and Towns. He reported on last week's Mosquito Abatement meeting. He attended the Library meeting. There were over 100 participants in the summer tutoring program. They expect 200 kids to participate next year. Friends of the Library met for the first time recently.

Councilman Critchlow reported on the Planning and Zoning Meeting. They discussed the pallet operation and limited the hours, made restrictions on the dust, noise and deliveries. The storage needs to be inside. He will be required to come back in a year. Harry Grow's bee operation was approved. He stated the daycare will benefit the city. He attended the concert at the Clark Farm. He stated he appreciated those who attended.



Councilman Tripp stated “Aloha!”

Councilman Colson attended the 100 year anniversary concert at the Clark Farm. He reported there is a street cut just south of Dick Butler’s house on Hale that was done three (3) months ago that is collapsing. Councilman Colson feels we need to look at some type of a standard of filling in those patches. Councilman Stice suggested a bond. The lock needs to be repaired on the tennis court shed.

Councilman Johnson stated there is a street cut on the Old Lincoln Highway near Gary Christley’s that needs to be attended to.

Kent Liddiard stated he met with Mr. Moore about his pallet business. Mr. Moore is looking to move the pallet business.

Laura Hill said thank you for pushing to wait on the development (twenty wells) until the water situation is known. Also thank you for requesting an additional road for the Heritage Grove development.

Lana McKean thanked the Mayor for thanking the firefighters.

### **13. Closed Session (Personnel, Real Estate, Imminent Litigation).**

**Motion:** Councilman Stice made a motion to go into a closed session. Councilman Colson seconded the motion. All voted in favor and the motion carried.

The City Council went into a closed session at 9:20 p.m.

**Motion:** Councilman Colson made a motion to go back to an open session. The motion was seconded by Councilman Critchlow. All voted in favor and the motion carried.

### **14. Adjourn.**

**Motion:** Councilman Colson made a motion to adjourn. The motion was seconded by Councilman Stice. All voted in favor and the motion carried.